

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

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Michael Wayne,

Petitioner,

vs.

ORDER ADOPTING
REPORT AND RECOMMENDATION

State of Minnesota,

Respondent.

Civ. No. 09-652 (MJD/RLE)

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Based upon the Report and Recommendation of United States Magistrate Judge Raymond L. Erickson, and after an independent review of the files, records and proceedings in the above-titled matter, **IT IS ORDERED:**

1. That the Petition for a Writ of Habeas Corpus [Docket No. 1] is denied.
2. That the Petitioner’s Application for leave to proceed in forma pauperis [Docket No. 2] is denied, as moot.
3. That this action is summarily dismissed, without prejudice, for want of subject matter jurisdiction.

DATED: April 6, 2009
At Minneapolis, Minnesota

s/Michael J. Davis
Michael J. Davis, Chief Judge
United States District Court